REMARKS

Applicant's claims remain the same except those withdrawn by Examiner's amendment (claims 8, 10, 11, 15, 16, 19 and 20) in the Office Action dated 12-29-06, which withdrawal is traversed. That is, claims 1-7, 9, 12-14, 17, 18 & 21 remain in the application.

However, the main point of this response is that contrary to the assertion in such Office Action, the Declaration filed on 10-2-06 under 35 CFR 1.131 by Karl Christe, herein, is believed fully effective to overcome the Brennecke Patent '343 and thus stands.

This is because such patent, filed on 4-1-02, was filed too late to gain domestic priority from the provisional application filed on 3-30-01, which expired on 3-30-02.

Thus the effective date of the Brennecke patent remains its filing date of 4-1-02 and it is antedated per the above Christe Declaration.

That is, as set forth on page 5 of Applicants' Response on 9-30-06, the Brennecke patent is believed not effective against applicants' above claims under 37 CFR 1.131 and sec. 715 of the MPEP. This is because applicant has submitted a Declaration under 37 CFR 1.131, attesting to completing the present invention, per such claims, before the filing date of such patent.

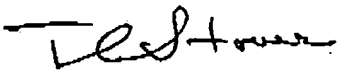
At this point, it is noted that the present patent application has an effective filing date of 10-7-02, which is well before the issue date of the Brennecke patent of 6-17-03.

The above averments are believed to meet the tests of 37 CFR 1.131, so as to swear applicants' claims of record, including claim 1, behind the Brennecke patent and to remove it as an effective reference against such claims.

Accordingly, the above rejection of applicants' claims 1-7, 9, 12-14, 17, 18 & 21, per the relevant paragraphs of the above Office Action, are believed met.

In view of the foregoing, the claims of record are believed distinguished over the applied art and in condition for allowance.

Respectfully submitted,



Thomas C. Stover, Reg. No. 22,531
Attorney for Applicant(s)
(937) 904-5779
(937) 255-3733 (fax)

PAGE 3/3 * RCVD AT 3/14/2007 1:52:54 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:937 255 3733 * DURATION (mm-ss):01-02